

MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING
MARCH 12TH, 2004
AIRPORT PLAZA HOTEL
ATLANTIS VOYAGER ROOM
1981 TERMINAL WAY
RENO, NEVADA

DR. ALLEMAN ASKED FOR PUBLIC COMMENT.

DR. CARTER STATED SHE IS CURRENTLY VICE PRESIDENT OF THE ASSOCIATION OF REGULATORY BOARDS OF OPTOMETRY [ARBO], ARBO'S LIASON TO THE NEVADA BOARD OF OPTOMETRY, AND THAT SHE WAS PRESENT AT THE MEETING AS ITS REPRESENTATIVE. DR. CARTER FIRST ADDRESSED THE ISSUE OF THE CONTACT LENS REPORTING FORM DEvised BY ARBO TO ASSIST OPTOMETRISTS, AS WELL AS PROFESSIONALS IN RELATED PROFESSIONS, TO REPORT TO ARBO, PROBLEMS ENCOUNTERED BY PATIENTS RESULTING FROM ILLEGALLY DISPENSED CONTACT LENSES. SHE STATED THE FORM IS POSTED ON ARBO'S WEBSITE, AND ENCOURAGED ITS USE. DR. CARTER ALSO ENCOURAGED THE MEMBERS AND DIRECTOR OF THE NEVADA BOARD OF OPTOMETRY TO ATTEND THE ARBO CONVENTION TO BE HELD IN JUNE, 2004, IN ORLANDO, FLORIDA.

DR. LENT ASKED ABOUT THE BOARD'S POSITION ON WHETHER

THE FAXING OF CONTACT LENS PRESCRIPTIONS IS REQUIRED, AND ABOUT THE RELEASE OF EXPIRED PRESCRIPTIONS.

DR. CONKLIN INQUIRED ABOUT A LETTER HE HAD SENT TO THE NEVADA BOARD OF OPTOMETRY. DR. ALLEMAN RESPONDED, STATING THE BOARD HAD NOT YET COMPLETED ITS INVESTIGATION, AND HAD REACHED NO DECISION ON A RESPONSE TO THE CORRESPONDENCE.

DR. ALLEMAN THANKED DR. CARTER, DR. LENT, AND DR. CONKLIN FOR THEIR COMMENTS.

A REGULAR MEETING OF THE NEVADA BOARD OF OPTOMETRY WAS CALLED TO ORDER BY BOARD PRESIDENT, KURT G. ALLEMAN, O.D., AT 11:00 O'CLOCK A.M. ON MARCH 12TH, 2004, IN THE ATLANTIS VOYAGER ROOM OF THE AIRPORT PLAZA HOTEL, 1981 TERMINAL WAY, RENO, NEVADA.

IDENTIFYING THEMSELVES AS PRESENT WERE:

KURT G. ALLEMAN, O.D., BOARD PRESIDENT
BRAD C. STEWART, O.D., BOARD MEMBER
JACK SUTTON, O.D., BOARD MEMBER
GEORGE BEAN, BOARD MEMBER
JUDI KENNEDY, EXECUTIVE DIRECTOR
TODD RUSSELL, ESQ., BOARD COUNSEL

ALSO PRESENT WERE:

JEANETTE BELZ, NEVADA OPHTHALOMOLOGICAL SOCIETY
THOMAS R. CONKLIN, PRESIDENT, NEVADA OPHTHALOMOLOGICAL SOCIETY
JANET L. CARTER, O.D.
GERALD LENT, O.D.
LESA DAVIS, O.D.

ALYSSA HARVEY, EXECUTIVE DIRECTOR,
NEVADA OPTOMETRIC ASSOCIATION

THE MINUTES OF THE BOARD'S JANUARY 16TH, 2004, MEETING WERE PRESENTED FOR APPROVAL. MR. BEAN STATED THERE WAS A TYPOGRAPHICAL ERROR IN THE FIRST LINE OF THE SECOND PAGE, INDICATING "NOVEMBER 18TH, 20043," SHOULD BE CORRECTED TO READ, "NOVEMBER 18TH, 2003." DR. SUTTON MOVED THE MINUTES BE APPROVED AS CORRECTED. MR. BEAN SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD MOVED TO AGENDA ITEM 3, THE COMPLAINT OF MICHAEL PINNEY VS. ELLEN MERKIN, O.D. AFTER DISCUSSION, NOTING MR. PINNEY'S CONTENTION THAT DR. MERKIN'S OFFICE OFFERED AN INADEQUATE RANGE OF CHOICES OF EYEWARE, DR. STEWART MOVED THE COMPLAINT BE DISMISSED BASED ON LACK OF JURISDICTION. DR. SUTTON SECONDED THE MOTION. THE VOTE WAS UANIMOUS.

THE BOARD NEXT CONSIDERED AGENDA ITEM 4, THE COMPLAINT OF BARBARA WILKINSON VS. KENT D. HELMICK, O.D. DR. ALLEMAN NOTED FOR THE BOARD MS. WILKINSON HAD ALLEGED, IN HER COMPLAINT, AN INCORRECT DIAGNOSIS. THERE ENSUED A LENGTHY DISCUSSION REGARDING THE INJURY TO MS. WILKINSON'S EYE, THE COURSE OF TREATMENT, THE DRUG PRESCRIBED BY DR. HELMICK, AND HER SUBSEQUENT VISIT TO A CORNEAL SPECIALIST. DR. SUTTON

STATED HE HAD DISCUSSED THE SITUATION WITH A CORNEAL SPECIALIST, WITH WHOM HE IS ACQUAINTED, THAT THE SPECIALIST CONCURRED, AS DID DR. SUTTON, WITH THE DIAGNOSIS AND TREATMENT PROTOCOL. DR. STEWART OPINED ONE OF THE PROBLEMS MIGHT HAVE BEEN COMMUNICATION BETWEEN DR. HELMICK AND MS. WILKINSON, POINTING OUT SHE HAD BEEN INSTRUCTED TO RETURN PRIOR TO HER NEXT SCHEDULED APPOINTMENT IF NECESSARY, AND THAT SHE HAD NOT DONE SO. DR. STEWART CONTINUED, STATING THE TREATMENT PROTOCOL WAS ADEQUATE. DR. SUTTON MOVED THE COMPLAINT BE DISMISSED AS NO EVIDENCE OF VIOLATION OF STANDARD OF CARE HAD BEEN PRESENTED. MR. BEAN SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD MOVED TO AGENDA ITEM 5, THE COMPLAINT OF JUDI D. KENNEDY, AS EXECUTIVE DIRECTOR VS. LESA D. DAVIS, O.D. DR. ALLEMAN REVIEWED FOR THE BOARD, THE EVENTS LEADING TO THE FILING OF THE COMPLAINT, STATING IT INVOLVED DR. DAVIS' NONCOMPLIANCE WITH THE LAW REQUIRING CO-MANAGEMENT AGREEMENTS BETWEEN OPTOMETRISTS AND OPHTHALMOLOGISTS IN SURGICAL SITUATIONS. DR. ALLEMAN ASKED IF DR. DAVIS WISHED TO COMMENT. DR. DAVIS ADMITTED THAT FOR A PERIOD OF TIME SHE WAS IN VIOLATION OF THE LAW. DR. DAVIS CONTINUED, STATING SHE HAD REQUESTED THE COMPLIANT FORM SHE DRAFTED BE USED, BUT

HER REQUESTED WAS NOT HONORED. DR. SUTTON MOVED THE COMPLAINT BE FOUND TO HAVE MERIT, AND THAT A FORMAL ACCUSATION BE FILED. DR. STEWART PROPOSED A \$200 ADMINISTRATIVE FINE TO DISPOSE OF THE ACCUSATION, CITING DR. DAVIS' EFFORTS TO CORRECT THE SITUATION. DR. STEWART SECONDED DR. SUTTON'S MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD CONTINUED, MOVING TO AGENDA ITEM 6, THE SUBPOENA TO PRODUCE DOCUMENTS WHICH HAD BEEN SERVED ON DR. LESA DAVIS. DR. ALLEMAN EXPLAINED TO DR. DAVIS THE PURPOSE OF THE SUBPOENA WAS TO DETERMINE IF SHE HAD BEEN WORKING AS AN INDEPENDENT DOCTOR OF OPTOMETRY AS REQUIRED BY LAW. AFTER DISCUSSION, DR. DAVIS INFORMED THE BOARD SHE WAS IN THE PROCESS OF PREPARING A SUBLEASE AGREEMENT WHICH SHE BELIEVED WOULD BE COMPLIANT WITH THE REQUIREMENTS OF THE LAW. DR. ALLEMAN ADVISED DR. DAVIS THE MATTER WOULD BE CONTINUED, AND REQUESTED THAT COPIES OF THE SUBLEASE DOCUMENTS BE FURNISHED TO THE BOARD. DR. DAVIS INDICATED SHE WOULD COMPLY WITH THE REQUEST.

THE BOARD NEXT CONSIDERED AGENDA ITEM 7, THE SUBPOENA SERVED ON DR. ERIN POLUKOSHKO. MS. KENNEDY OUTLINED FOR THE BOARD THE RESTRICTIONS OF DR. POLUKOSHKO'S WORK VISA. MS.

KENNEDY STATED THE IMMIGRATION AND NATURALIZATION SERVICE HAD APPROVED DR. PLUKOSHKO'S WORK VISA . MS. KENNEDY WENT ON TO STATE THAT THE STEPS TAKEN BY DR. POLUKOSHKO TO OBTAIN THE APPROVAL OF THE INS RAISED QUESTIONS UNDER CHAPTER 636 OF THE NEVADA REVISED STATUTES. MR. RUSSELL ADVISED THE BOARD THAT SINCE THE IMMIGRATION AND NATURALIZATION SERVICE HAD APPROVED HER VISA, THE BOARD SHOULD TAKE NO FURTHER ACTION.

MOVING TO AGENDA ITEM 8, THE COMPLAINT OF MISTY RICHARDSON VS. JEFFREY D. FERRIS, O.D., MS. KENNEDY ADVISED THE BOARD THAT COUNSEL FOR DR. FERRIS HAD INDICATED DR. FERRIS WOULD ENTER INTO A STIPULATION ACCEPTING THE DISCIPLINE THAT HAD BEEN PROPOSED BY THE BOARD. DR. STEWART MOVED THE STIPULATION BE APPROVED AS PREPARED. DR. SUTTON SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

THE BOARD PROCEEDED THE AGENDA ITEM 9, THE REPORT OF THE EXECUTIVE DIRECTOR. MS. KENNEDY ASKED IF THERE WERE QUESTIONS REGARDING THE CURRENT CASH IN BANK FIGURES. THERE WERE NONE. MS. KENNEDY OUTLINED FOR THE BOARD THE NUMBER OF NEW LICENSES THAT HAD BEEN ISSUED SINCE THE BEGINNING OF THE CURRENT FISCAL YEAR, THE NUMBER OF LICENSES CURRENTLY SUSPENDED FOR FAILURE TO RENEW, AND THE NUMBER OF PENDING APPLICATIONS.

THE BOARD DIRECTED MS. KENNEDY TO PROCEED WITH THE PURCHASE OF THE NEW COMPUTER EQUIPMENT OUTLINED IN GATEWAY QUOTE 03052636.

MR. BEAN MOVED MS. KENNEDY'S BASE SALARY BE INCREASED TO \$56,000 ANNUALLY AND THAT SHE BE GIVEN A \$6,000 BONUS. DR. STEWART SECONDED THE MOTION. THE VOTE WAS UNANIMOUS.

DR. ALLEMAN ASKED FOR PUBLIC COMMENT.

DR. CONKLIN OFFERED COMMENT ON THE COMPLAINT CONSIDERED BY THE BOARD UNDER AGENDA ITEM 4, CONCLUDING BY STATING, HE SAW NOTHING IMPROPER WITH THE DIAGNOSIS OR THE TREATMENT PROTOCOL.

THE BOARD SCHEDULED ITS NEXT REGULAR MEETING FOR MAY 21ST, 2004, IN LAS VEGAS, NEVADA.

THE BOARD SCHEDULED A REGULAR MEETING FOR JULY 9TH, 2004.

MR. BEAN MOVED THE MEETING ADJOURN. DR. SUTTON SECONDED THE MOTION. THE VOTE WAS UNANIMOUS. THE MEETING ADJOURNED AT 11:45 A.M.

